

FORTY-FIFTH DAY

(Friday, April 2, 1943)

The Senate met at 10 o'clock a. m., pursuant to adjournment, and was called to order by the President.

The roll was called, and the following Senators were present:

Aikin	Metcalf
Beck	Moffett
Brownlee	Moore
Cotten	Morris
Graves	Ramsey
Jones	Stone
Lane	Sulak
Lanning	Vick
Lovelady	Weinert
Martin	York
Mauritz	

A quorum was announced present.

Rev. S. B. Culpepper, Chaplain, offered prayer.

On motion of Senator Aikin, and by unanimous consent, the reading of the Journal of the proceedings of yesterday was dispensed with and the Journal was approved.

Leaves of Absence Granted

Senators Hazlewood and Winfield were granted leaves of absence for today on account of important business, on motion of Senator Metcalfe.

Reports of Standing Committees

Senator Sulak submitted the following report:

Austin, Texas,
April 2, 1943.

Hon. John Lee Smith, President of the Senate.

Sir: We, your Committee on Public Health to whom was referred H. B. No. 20, have had same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do not pass but that Committee substitute do pass and be printed.

SULAK, Chairman.

Senator Graves submitted the following reports:

Austin, Texas,
April 1, 1943.

Hon. John Lee Smith, President of the Senate.

Sir: We, your Committee on Constitutional Amendments to whom was referred S. J. R. No. 8, have had same under consideration, and I am

instructed to report it back to the Senate with the recommendation that it do pass and be printed.

GRAVES, Chairman.

Austin, Texas,

April 1, 1943.

Hon. John Lee Smith, President of the Senate.

Sir: We, your Committee on Constitutional Amendments to whom was referred H. J. R. No. 8, have had same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be printed.

GRAVES, Chairman.

Senate Bills on First Reading

The following bill, submitted as an emergency matter by the Governor, was introduced, read first time, and referred to the Committee on Civil Jurisprudence:

By Senator Aikin:

S. B. No. 335, A bill to be entitled "An Act amending Article 5949, Vernon's Civil Statutes of Texas, 1925, as amended; providing for the appointment of Notaries Public for each County of the State of Texas by the Secretary of State; providing the time of such appointments and the term for which such appointments shall be made; providing the qualifications of a Notary Public; providing that any person residing in an incorporated city, town or village located in two counties may be appointed in either of such counties and authorizing him to act only in the county for which such appointment is made; providing that all applications for appointments as Notary Public shall be made through the county clerk of the county of residence of the applicant; prescribing certain information to be furnished to the county clerk; providing for the furnishing of the names of such applicants by the county clerk to the Secretary of State under the certificate of the county clerk; providing for action upon such applications and the time thereof by the Secretary of State and for notice of appointment to be given to the county clerk by the Secretary of State; providing for notice of appointment to be given by the county clerk to all persons so appointed and the time within which such persons must qualify; providing that appoint-

ment of persons failing to qualify within such time shall be void; providing for the collection of fees by the county clerk; providing for notice of persons qualified and remission of fees by the county clerk to the Secretary of State and for the issuance and delivery of commissions to such qualified persons by the Secretary of State; providing that a qualified Notary may act after qualification and before receiving his commission; providing for the re-appointment of Notaries Public without application to the county clerk and for the vacation of the office of Notary Public upon his removal from the county; providing for the execution of a bond and the taking and subscribing of the official oath of office by Notaries Public and for the recording and depositing of such bond in the office of the county clerk, and for suits on such bond in the name of the party injured until the whole amount of such bond has been recovered; providing when a Notary Public shall be deemed to be qualified; providing penalties for the failure or refusal of county clerks to forward names of persons requesting appointments, notices of qualification or to remit fees to the Secretary of State; providing that all matters pertaining to the appointment and qualification of Notaries Public shall be public records in the offices of the county clerks and the Secretary of State after qualification, and the time and manner in which same shall be open to inspection; providing that county clerks and the Secretary of State shall not be required to furnish lists of persons appointed before qualification nor lists of unreasonable numbers thereof after qualification; providing for the repeal of Articles 5950, 5951, 5952, and 5953, Vernon's Civil Statutes of 1925, and the repeal of all other laws or parts of laws in conflict herewith; providing that if any portion of this Act is held to be invalid such holding shall not affect the validity of the remaining portions hereof; providing how this Act may be known and cited; and declaring an emergency."

Senate Bill 335 Ordered Not Printed

On motion of Senator Metcalfe, and by unanimous consent, it was ordered that S. B. No. 335 be not printed.

Senate Resolution 67

Senator Metcalfe offered the following resolution:

Whereas, Mr. and Mrs. G. C. Fairey, citizens of Odessa, Texas, are present and now in the Capitol observing the operations of government and visiting their grandsons, Tommy and Bobby Fairey, who have served in the Forty-seventh and Forty-eighth Legislatures as pages in the Senate and in the House and whose musical selections they have rendered before the Legislature have been very gratifying to the Members; now, therefore, be it

Resolved by the Senate of Texas, That there be extended to these visitors a cordial welcome to their Capitol and that the privileges of the floor be extended to them; and further be it

Resolved, That a copy of this resolution be furnished them.

The resolution was read and was adopted.

Senate Bill 200 on Final Passage

Senator Aikin moved to reconsider the vote by which S. B. No. 200 was passed on yesterday.

The motion to reconsider prevailed.

The President laid the bill before the Senate on its final passage.

Senator Aikin offered the following amendment to the bill:

Amend S. B. No. 200 by renumbering Sections 22 to 27 as Sections 23, 24, 25, 26, 27, and 28 and inserting a new Section to be known as Section 22, which said new Section shall read as follows:

"Sec. 22. It is expressly provided that this Act shall not apply to shares, share accounts, certificates or pass books issued by a building and loan association organized under the laws of this State nor to shares, share accounts, certificates or pass books issued by a building and loan association organized under the laws of any State that is doing business in Texas, nor to shares, share accounts, certificates or pass books issued by a Federal Savings and Loan Association domiciled in this State. That the repealing Section of this Act shall not be construed as repealing any Section, part or parcel of the 1929 Building and Loan Code, as amended,

nor any Act of the Legislature pertaining to building and loan associations."

The amendment was adopted by the following vote:

Yeas—21

Aikin	Metcalf
Beck	Moffett
Brownlee	Moore
Cotten	Morris
Graves	Ramsey
Jones	Stone
Lane	Sulak
Lanning	Vick
Lovelady	Weinert
Martin	York
Mauritz	

Absent—Excused

Bullock	Kelley
Chadick	Lemens
Fain	Shivers
Formby	Spears
Hazlewood	Winfield

The bill was passed by the following vote:

Yeas—21

Aikin	Metcalf
Beck	Moffett
Brownlee	Moore
Cotten	Morris
Graves	Ramsey
Jones	Stone
Lane	Sulak
Lemens	Vick
Lovelady	Weinert
Martin	York
Mauritz	

Absent—Excused

Bullock	Kelley
Chadick	Lanning
Fain	Shivers
Formby	Spears
Hazlewood	Winfield

Communications Read

The President laid before the Senate, and directed the Secretary to read, the following communications:

April 1, 1943.

To Lieutenant Governor John Lee Smith:

Dear Governor: Attached is a letter from the Hughes family of Georgetown, Texas. This letter was read by the Speaker of the House,

and since Mrs. Hughes is so grateful for the expression and nice vote received in the Senate on the resolution, I shall appreciate it very much if you will express the sentiments in this letter to the Members of the Senate.

Please return the letter, as I wish to keep it in my files.

FRANK G. SVADLENAK.

Georgetown, Texas,
March 30, 1943.

My dear Representative Svadlenak: It was with a great deal of comfort and pleasure we read your letter telling us of the House of Representatives, the Senate, concurring.

To place a portrait of Lt. Duncan S. Hughes on the walls of the Capitol of Austin. Duncan's friends could not have chosen a more glorious and fitting tribute to his memory.

Please convey our sincere appreciation to the Members of the House of Representatives and the Senate.

We do so thank you Representative Svadlenak for your interest in making this beautiful tribute possible.

Most cordially yours,

Mr. and Mrs. Thos. P. Hughes.

The communications were read; and, on motion of Senator Lovelady, they were ordered printed in the Journal.

Committee Substitute Senate Bill 43 on Third Reading

The President laid before the Senate on its third reading and final passage:

C.S.S.B. No. 43, A bill to be entitled "An Act to authorize the State of Texas through its Attorney General or any County or District Attorney to institute suit to enjoin any person, firm, corporation, or their officers, servants, or employees from demanding, receiving or attempting to collect usurious interest, and from engaging in the business of making loans where usurious interest is charged; regulating the procedure and providing for joinder of more than one defendant in the same action; defining certain terms; providing a saving clause; and declaring an emergency."

The bill was read third time.

Senator Moore offered the following amendment to the bill:

Amend S. B. No. 43 as engrossed, Section 2a by striking out the words "Section 8" in such Section 2a and inserting in lieu thereof the words "Article 8," and by amending caption to conform to the body of the bill.

Senator Cotten moved the previous question on the amendment and the passage of the bill, and the motion was duly seconded.

The main question was ordered by the following vote:

Yeas—11

Cotten	Moore
Jones	Morris
Lovelady	Stone
Mauritz	Sulak
Metcalf	Weinert
Moffett	

Nays—7

Aikin	Martin
Beck	Vick
Lane	York
Lanning	

Absent—Excused

Chadick	Kelley
Fain	Lemens
Formby	Spears
Hazlewood	

Paired

Senator Brownlee (present), who would vote "nay" with Senator Bullock (absent), who would vote "yea."

Senator Graves (present), who would vote "nay" with Senator Winfield (absent), who would vote "yea."

Senator Ramsey (present), who would vote "nay" with Senator Shivers (absent), who would vote "yea."

Question first recurring on the amendment, yeas and nays were demanded.

The amendment was adopted by the following vote:

Yeas—14

Aikin	Metcalf
Beck	Moffett
Cotten	Moore
Jones	Morris
Lanning	Stone
Lovelady	Sulak
Mauritz	Weinert

Nays—4

Lane	Vick
Martin	York

Absent—Excused

Chadick	Kelley
Fain	Lemens
Formby	Spears
Hazlewood	

Paired

Senator Brownlee (present), who would vote "nay" with Senator Bullock (absent), who would vote "yea."

Senator Graves (present), who would vote "nay" with Senator Winfield (absent), who would vote "yea."

Senator Ramsey (present), who would vote "nay" with Senator Shivers (absent) who would vote "yea."

Question next recurring on the passage of the bill, yeas and nays were demanded.

The bill was passed by the following vote:

Yeas—14

Aikin	Metcalf
Beck	Moffett
Cotten	Moore
Jones	Morris
Lanning	Stone
Lovelady	Sulak
Mauritz	Weinert

Nays—4

Lane	Vick
Martin	York

Absent—Excused

Chadick	Kelley
Fain	Lemens
Formby	Spears
Hazlewood	

Paired

Senator Brownlee (present), who would vote "nay" with Senator Bullock (absent), who would vote "yea."

Senator Graves (present), who would vote "nay" with Senator Winfield (absent), who would vote "yea."

Senator Ramsey (present), who would vote "nay" with Senator Shivers (absent), who would vote "yea."

Message from the House

Hall of the House of Representatives,
Austin, Texas,
April 2, 1943.

Hon. John Lee Smith, President of
the Senate.

Sir: I am directed by the House
to inform the Senate that the House
has passed the following bills and
resolutions:

H. C. R. No. 87, Inviting the Hon.
W. Lee O'Daniel to address a joint
session in the Hall of the House of
Representatives at 11:00 o'clock a. m.,
Tuesday, April 6th.

The House has adopted the Con-
ference Committee report on S. B.
No. 24 by a vote of 95 yeas, 14 nays.

S. C. R. No. 37, Inviting the Hon.
Tom Linder, Commissioner of Agri-
culture of Georgia to address a joint
session of the Legislature on April
1, 1943.
(With amendment.)

S. C. R. No. 39, Authorizing the
Enrolling Clerk of the Senate to cor-
rect S. B. No. 237.

S. B. No. 9, A bill to be entitled
"An Act to amend Article 4725, Re-
vised Civil Statutes of 1925, as there-
after amended; etc.; and declaring
an emergency."
(With amendment.)

S. B. No. 27, A bill to be entitled
"An Act providing a more efficient
fiscal system for the State of Texas;
etc.; and declaring an emergency."
(With amendments.)

S. B. No. 91, A bill to be entitled
"An Act providing for the closed
season on mourning doves and quail
in Scurry County, Texas, for a period
of five (5) years; etc.; and declar-
ing an emergency."

S. B. No. 124, A bill to be entitled
"An Act to amend Article 1498, Re-
vised Civil Statutes of Texas of 1925,
so as to eliminate therefrom the pro-
hibition against a corporation organ-
ized under Chapter 15 of Title 32
borrowing money in excess of its paid
up capital stock; etc.; and declaring
an emergency."
(With amendment.)

Respectfully submitted,

CLARENCE JONES,
Chief Clerk, House of Representatives.

Reports of Standing Committees

By unanimous consent, the follow-
ing reports were submitted at this
time:

Austin, Texas,
April 2, 1943.

Hon. John Lee Smith, President of
the Senate.

Sir: We, your Committee on Civil
Jurisprudence to whom was referred
S. B. No. 335, have had same under
consideration, and I am instructed to
report it back to the Senate with the
recommendation that it do pass and
be not printed.

WEINERT, Chairman.

Austin, Texas,
April 2, 1943.

Hon. John Lee Smith, President of
the Senate.

Sir: We, your Committee on Educa-
tion to whom was referred H. B. No.
457, have had same under considera-
tion, and I am instructed to report it
back to the Senate with the recom-
mendation that it do pass and be not
printed.

LOVELADY, Chairman.

House Concurrent Resolution 87

On motion of Senator Martin, and
by unanimous consent, the regular
order of business was suspended to
take up for consideration at this time:

H. C. R. No. 87, Inviting Hon. W.
Lee O'Daniel to address a joint ses-
sion of the Legislature on Tuesday,
April 6, 1943 at 11:00 o'clock a. m.

The President laid the resolution
before the Senate, and it was read
and was adopted.

**Senate Concurrent Resolution 37 with
House Amendment**

Senator Sulak called S. C. R. No. 37
from the President's table for con-
sideration of the House amendment
to the resolution.

The President laid the resolution
and House amendment before the
Senate, and the House amendment
was read.

On motion of Senator Sulak, the
Senate concurred in the House amend-
ment.

Bills and Resolutions Signed

The President signed in the presence of the Senate, after giving due notice thereof, the following enrolled bills and resolutions:

H. C. R. No. 80, Inviting the Honorable W. Lee O'Daniel, United States Senator from Texas, to address a joint session of the Legislature at some convenient time.

H. C. R. No. 48, Designating Mrs. Bess Odell Beeman as Texas Poet of Radio.

H. C. R. No. 69, Relating to a compact with State of Oklahoma in respect to fishing rights in waters of Red River.

H. C. R. No. 75, Requesting the War Production Board, Washington, D. C., to renew its approval of the application for the construction of plants at Rusk, Texas.

S. C. R. No. 37, Inviting Hon. Tom Linder to address a joint session of the Legislature.

H. B. No. 72, A bill to be entitled "An Act to amend Articles 2112 and 2117 of the Revised Civil Statutes of 1925 prescribing the procedure for the securing of a jury; etc.; and declaring an emergency."

H. B. No. 661, A bill to be entitled "An Act to amend Subsection 21 of Article 199, Title 8, of the Revised Statutes of Texas, so as to change the time and terms of holding the 21st District Court in Washington, Lee, Bastrop, and Burleson Counties, constituting the 21st Judicial District of Texas; etc.; and declaring an emergency."

H. B. No. 667, A bill to be entitled "An Act for the purpose of conserving the oyster resources of Aransas, Nueces, Calhoun, and Matagorda Counties, and providing a closed season for the taking of such oysters, providing a penalty for the violation, repealing certain laws, and parts of laws in conflict herewith; and declaring an emergency."

H. B. No. 669, A bill to be entitled "An Act to amend Subdivision 29 of Article 199, Title 8, of the Revised Statutes of Texas, 1925, so as to change the time and terms of holding the 29th District Court in Hood, Palo Pinto and Erath Counties, constituting the 29th Judicial District of Texas; etc.; and declaring an emergency."

Senate Concurrent Resolution 28

The President laid before the Senate for consideration at this time:

S. C. R. No. 28, Authorizing S. J. Layne to sue the State.

The resolution was read second time and was adopted.

Senate Bill 125 on Second Reading

The President laid before the Senate on its second reading and passage to engrossment:

S. B. No. 125, A bill to be entitled "An Act to amend Section 1 of Article 1 of H. B. No. 284, Acts of the Regular Session of the Forty-seventh Legislature; and declaring an emergency."

The bill was read second time.

(President pro tempore Mauritz in the Chair.)

Senator Stone offered the following amendment to the bill:

Amend S. B. No. 125 by inserting at the end of the first sentence, and just before the period on line 26 of the printed bill, the following:

"and provided further that the minimum limitations as to scholastic population for eligibility herein set forth shall not apply for any type of aid to any school district in which the number of scholastics has increased to more than 500 on account of the construction of army camps or defense plants either within such districts or in close proximity thereto if said district can show budgeting need therefor."

STONE,
BECK.

(President in the Chair.)

Senator Morris offered the following substitute for the amendment:

Amend S. B. No. 125 by striking out the words and figures "500" in line 15.

Question—Shall the substitute be adopted?

House Concurrent Resolution 72

On motion of Senator Metcalfe, and by unanimous consent, the regular order of business was suspended to take up for consideration at this time:

H. C. R. No. 72, Inviting the Honorable Anthony Eden to address a joint session of the Legislature.

The President laid the resolution before the Senate, and it was read and was adopted.

House Concurrent Resolution 84

On motion of Senator Martin, and by unanimous consent, the regular order of business was suspended to take up for consideration at this time:

H. C. R. No. 84, Authorizing correction in enrolled copy of H. B. No. 194.

The President laid the resolution before the Senate, and it was read and was adopted.

Hour to Which Senate Shall Adjourn

On motion of Senator Metcalfe, the Senate agreed to stand adjourned until 10:00 o'clock a. m. Monday, April 5, 1943, at the conclusion of the joint session to be held today to hear an address by Hon. Tom Linder.

Joint Session

(To Hear Hon. Tom Linder)

At 11:30 o'clock a. m., the President announced the arrival of the hour for the joint session to be held pursuant to S. C. R. No. 37 to hear Hon. Tom Linder, and requested the Senators to proceed in a body to the Hall of the House of Representatives.

The Honorable Senators were announced at the Hall of the House and were duly admitted and escorted to seats prepared for them in the center aisle of the Hall.

President John Lee Smith occupied a seat on the Speaker's rostrum.

The Honorable Tom Linder, Commissioner of Agriculture of the State of Georgia, was announced at the bar of the House and escorted to the Speaker's rostrum by Senators Sulak, Moffett, and Lane, on the part of the Senate, and by Representatives Fuchs, Dunn, Deen, Baker, Carrington, and Dove, on the part of the House.

The President called the Senate to order and ascertained and announced the presence of a quorum of the Senate.

Speaker Price Daniel ascertained and announced the presence of a quorum of the House and announced the purpose of the joint session.

The President presented Senator L. J. Sulak, who introduced Hon. Tom Linder to the joint session.

Mr. Linder then addressed the joint session.

At the conclusion of the address the President (at 12:15 o'clock p. m.) declared the Senate adjourned until 10:00 o'clock a. m. Monday, April 5, 1943, in accordance with a motion previously agreed to by the Senate.

FORTY-SIXTH DAY

(Monday, April 5, 1943)

The Senate met at 10 o'clock a. m., pursuant to adjournment, and was called to order by the President.

The roll was called, and the following Senators were present:

Aikin	Metcalfe
Beck	Moffett
Brownlee	Moore
Chadick	Morris
Cotten	Ramsey
Graves	Shivers
Jones	Stone
Lane	Sulak
Lanning	Vick
Lovelady	Weinert
Martin	Winfield
Mauritz	York

A quorum was announced present.

Rev. S. B. Culpepper, Chaplain, offered prayer.

On motion of Senator Aikin, and by unanimous consent, the reading of the Journal of the proceedings of Friday, April 2, 1943, was dispensed with and the Journal was approved.

Leaves of Absence Granted

Senator Hazlewood was granted leave of absence for today on account of important business, on motion of Senator Metcalfe.

Senator Bullock was granted leave of absence for today and the re-